IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3720 of 2007()

C.R.NO.10/2007 OF MALLAPPALLY EXCISE RANGE
CRMP.1204/2007 of J.M.F.C.,THIRUVALLA

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PETITIONER/ACCUSED IN C.R.NO.10/2007:

ANILKUMAR, S/O. RAMANKUTTY,
RESIDING AT AMBALAPPARAMB VEEDU, PULINTHANAM MURI,
KUNNANTHANAM VILLAGE, MALLAPPALLY TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN C.R.NO.10/2007:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3720 of 2007

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Dated this the 20th day of June, 2007

O R D E R

Application for regular bail. The petitioner was allegedly found to be in possession of 1.750 litres of arrack on 19.4.2007. He was arrested on 20.5.07 and he continues in custody from that date. The learned counsel for the petitioner submits that the petitioner may now be released on bail.

3. The learned Public Prosecutor opposes the application. The quantity of arrack is small and the petitioner has been in custody for a period of one month. But the prosecution is obliged to oppose the application for the reasons that the petitioner has involved in three other Abkari crimes. Bail may not be granted to the petitioner, submits the learned Public Prosecutor.

4. In the wake of opposition by the Public Prosecutor bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I

am unable to entertain either of those satisfactions. The prayer for bail must in these circumstances fail.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the courts for bail again at a later stage of the investigation, not at any rate, prior to 30.6.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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